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Joseph A. Sawyer, Jr.
Sawyer Law Group LLP
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER

THAI, HANH B

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/733,429
Filing Date: December 08, 2000
Appellant(s): BAIR, KEVIN D.

Joseph A. Sawyer, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 19, 2005 appealing from the Office
action mailed February 15, 2005

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Raz (US 6,292,827).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Raz (U. S. Patent no. 6,292,827).

Regarding claim 1, Raz discloses a method at (Fig.1, Fig.2 and Fig.5b) for accessing information on a network (2), the method comprising the steps of:

- a) allowing a first system (terminal 1, Fig.1; client 12, Fig.2 and Fig.5b) to submit a query to a second system (server 9, Fig.1; 18, Fig.2 and Fig.5b);
- b) processing the query with the second system, wherein the second system utilizes information not residing on the second system to process the query (col.3, lines 64-66 and col.4, lines 33-40 and “control and management” 23, Fig.2; Fig.5b; col. 7, lines 45-51); and

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c) utilizing the second system to return a result of the processed query to the first system (FIG. 1; summary; col.1, lines 45-51; col.3, lines 64-66 and col.4, lines 33-40 and col. 7, lines 45-51).

Regarding claim 2, Raz further discloses in FIG.1 the method wherein the first system comprises a client machine (1) and the second system comprises a server machine (9).

Regarding claim 4, Raz further discloses the method wherein the metadata comprises information about objects (column 5, lines 62-67).

Regarding claim 5, Raz further discloses the method wherein the objects comprise tables, triggers and indexes (FIG. 8-10 and col.8, lines 24-30, Raz discloses an Oracle Object).

Regarding claim 6, Raz further discloses the method wherein a first protocol is utilized by the client machine to submit the query and the query includes data and metadata along with a request to perform an operation on the data and metadata (column 3, lines 58-66).

Regarding claim 7, Raz further discloses the method wherein a first protocol is utilized by the client machine to submit the query and the query includes a pointer to the data and metadata along with a request to perform an operation on the data and metadata (column 3, lines 58-66 and column 5, line 62 to column 6 line 7).

Regarding claim 8, Raz further discloses the method wherein the server machine implements a second protocol to process the query (column 8, lines 51-54).

Regarding claim 9, Raz further discloses the method wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata (FIG. 7 and column 5, line 60 to column 6, line 7).

Regarding claim 10, Raz further discloses the method wherein the network comprises the Internet (FIG. 1).

Regarding claim 11, Raz further discloses the method wherein the server machine implements a second protocol to process the query (column 8, lines 51-54).

Regarding claim 12, Raz further discloses the method wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata (FIG. 7 and column 5, line 60 to column 6, line 7).

Regarding claim 13, Raz further discloses the method wherein the network comprises the Internet (FIG. 1).

Regarding claims 14-39, the elements of these claims are rejected in the analysis of claims 1-13 above and these claims are rejected on that basis.

(10) Response to Argument

Examiner's response to Appellant's argument: Independent claims 1, 14 and 27 are not allowable over Raz.

Applicant argues, Raz does not teach or suggest "processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query" (Appellant's 12/19/05 Brief, pages 9-13). Examiner respectfully disagrees.

Raz teaches processing a query (col.3, lines 64-66 and col.4, lines 33-40). The claimed second system is met by the server (server 9, Fig.1; 18, Fig.2 and Fig.5b).

Raz teaches processing the query (col.3, lines 64-66 and col.4, lines 33-40) with the second system (server 9, Fig.1; 18, Fig.2 and Fig.5b), wherein the second system clearly utilizes

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metadata (col.5, line 63 to col.6, line7) that is only in a storage area not residing on the second system because it utilizes the metadata from the external system (10, Fig.1).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Hanh Thai

Patent Examiner, AU 2163

February 1, 2006.

Conferees:


Safet Metjahic

Supervisory Patent Examiner, AU 2161



Hosain Alam

Supervisory Patent Examiner, AU 2166